

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS WESTERN DIVISION

INTERNATIONAL UNION OF OPERATING ENGINEERS)
LOCAL 98 HEALTH AND WELFARE, PENSION AND)
ANNUITY FUNDS, by Barbara Lane, as Administrative Manager;)
LOCAL 98 ENGINEERS JOINT TRAINING, RETRAINING,)
SKILL IMPROVEMENT, SAFETY EDUCATION,)
APPRENTICESHIP AND TRAINING FUND, by Barbara Lane,)
as Administrative Manager; INTERNATIONAL UNION OF)
OPERATING ENGINEERS LOCAL 98 AND EMPLOYERS)
COOPERATIVE TRUST, by William Sullivan and Eugene P.)
Melville, Jr., as Trustees; CENTRAL PENSION FUND OF THE)
INTERNATIONAL UNION OF OPERATING ENGINEERS)
AND PARTICIPATING EMPLOYERS, by Michael R. Fanning,)
as Chief Executive Officer; and INTERNATIONAL UNION OF)
OPERATING ENGINEERS LOCAL 98, AFL-CIO, by Eugene P.)
Melville, Jr., as Business Manager,)

Plaintiffs,)

v.)

GAGLIARDUCCI CONSTRUCTION, INC.; JEROME)
GAGLIARDUCCI, Individually and as an Officer of)
GAGLIARDUCCI CONSTRUCTION, INC.,)

Defendants.)

**STIPULATION AND
ORDER OF
CONDITIONAL
DISCONTINUANCE**

Civil Action No.:
09-30178 (~~KPN~~) MAP

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the undersigned, the attorneys of record for all parties in the action, stipulate that the above captioned action shall be dismissed without prejudice to the Plaintiffs' right to reopen the case and proceed with entry of judgment if

Defendants violate the terms and conditions of the Stipulation of Settlement executed by Defendants on August 6, 2010.

Dated: August __, 2010

Dated: August 30, 2010

O'REILLY, GROSSO & GROSS, P.C.

BLITMAN & KING LLP

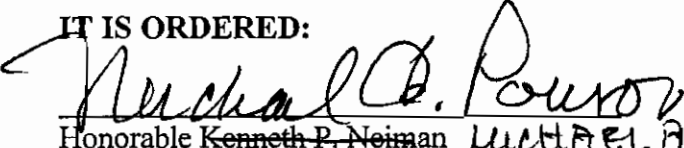
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IT IS ORDERED:


Honorable Kenneth P. Neiman
United States District Court Magistrate Judge

MICHAEL A. PONSOR

Sept. 10, 2010

collNglNUOE98-Gagliarducci Dismissal